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EXAMINER	
CHENCINSKI, SIEGFRIED E	
ART UNIT	**PAPER NUMBER**
3692	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/225,208	TOGAWA ET AL.	
	Examiner	Art Unit	
	Siegfried E. Chencinski	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 3, 5, 21, 24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040) in view of Matsuzaki et al. (US Patent No. 5,767,848).

Re. Claims 1, 21, 24, 27 and 28, Fargher discloses a computer method, system and medium performing real-time management of object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, said computer system comprising:

- a resource manager managing the job-object conditions, including rights to use resources, worker group by worker group in real-time based upon the worker groups and resources defined in the job definition form (Fargher teaches the management of resources and resource groups, and that resource groups make commitments, implying that one or more workers are members of a resource groups, since equipment is incapable of making commitments – Col. 2, ll. 19-41. The managing of resources and resource groups is taught in Col. 2, ll. 19-41, combined with Col. 5, ll. 40-Col. 6, l. 67. Col. 6, ll. 40-42 demonstrates that the total team supports the manager in a real time production scenario.).
- a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure and the resources available to each worker group defined in the job definition form (Col. 6, ll. 4-17); and

- a job monitor performing real-time monitoring of job processing by the worker groups based on the procedure of each worker group in the job definition form and performing real-time controlling of sharing of the resources, including the job-objects among the worker groups while maintaining security of the job objects according to the job-object conditions managed by the resource manager group by group and/or member by member thereof, thereby for a first worker group or a member thereof inhibiting access to the job objects thereof from another worker group or a member thereof to which permission to use the job objects of the first worker group or a member thereof is not allocated (The job monitoring function is performed by the scheduler – Col. 6, ll. 16-17).

Fargher's overall real-time production management system is described in Col. 4, lines 19-21; Col. 7, line 1-6; and Col. 5, line 35 - Col. 7, line 62).

Fargher does not explicitly disclose a form generator generating job definition forms for worker groups, The remaining section of this limitation language, "each job definition form defines worker groups and resources, said resources including job objects, available to the worker group to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions, each job definition form representing a group of workers as a job" does not have patentable weight because it merely describes intended use.

However, the use of forms of all kinds, particularly those drawn up by hand, those preprinted and those programmed to be printed by computer printers are an ever present component of life in every facet of business activity, including in the management of projects, computer operations and manufacturing. Further, teaches the use of forms for managing the work of worker groups (Col. 17, ll. 44-45, 63; Col. 18, l. 9; Col. 19, l. 58; Col. 20, l. 7. Various forms are in use to capture, hold and report information in various displays, some tabular and some graphic.). It would have been obvious to the ordinary practitioner to make wide use of forms in a production management environment, including for the purpose of creating and maintaining job definition forms. Such an environment would obviously benefit from organized, formatted information presentation with which all workers involved in the production

process are familiar in order to create and maintain easy to understand, reliable information needed to perform each worker's, supervisor's, planner's, controller's and manager's job.

Matsuzaki also discloses a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; as well as a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor, and using forms in the management of projects. (Abstract; Col. 5, line 35 - Col. 7, line 65; Forms and Projects - Col. 19, line 67 – Col. 20, line 9).

Fargher and Matsuzaki teach similar methods for managing production projects. Fargher presents examples in semiconductor manufacturing and Matsuzaki presents examples in new product development. Both present computer software driven systems. Each teaches working with resources, directly suggesting or implying that the resources include both workers, software and hardware. Each teaches the concept of resource groups and real time management while emphasizing different facets of the challenges, planning requirements, and controls. While Fargher gives examples in manufacturing where computer systems are used to plan and control production activities, Matsuzaki, while also teaching these facets, suggests a process which seems based on work performed by workers on computer work stations. This aspect more clearly suggests Applicant's specific production application. Fundamentally, production management has most of its elements in common across eh various specific products which need to be produced. Basic information is essential, made up of planning information, organizational information, resources, work rules, human work schedule limitations, human skills, software and equipment failures, information

feedback loops, real time information, goals, productivity, cost, output results, and plans and action resources for emergencies and contingencies.

Combining the many specific teachings in Fargher and Matsuzaki would have been obvious to the ordinary practitioner at the time of Applicant's invention because each disclosure has specific teachings which can be easily combined for use in another invention since the component method and system steps can readily be combined in hand or computer system operations. This is not the case in the chemical and physical arts, where characteristics are relatively rigid and combinations are very limited and must first be proven to work together before a logical combination can be chosen to produce a particular effect. Court opinions have made this distinction since the distinction is based on readily observed reality.

Therefore, it would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher with that of Matsuzaki for the purpose designing an efficient worker task management system involving applicant's invention, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project (Matsuzaki, Col. 2, ll. 1-3).

Re. Claim 3, Fargher et al. disclose a system comprising a rearranging unit that manages worker rearrangements among the worker groups and manages the job-object conditions of the rearranged worker groups according to progress of the jobs from the job monitor, wherein said job monitor monitors the job processing and the job objects of the worker groups according to information from said rearranging unit (Col. 9, line 40 to Col. 10, line 46).

Re. **Claim 5,** Fargher discloses a system wherein said job monitor performs at least one of transferring a job object from one of the worker groups to another worker group and automatically changing the job objects of any one of the worker groups according to a procedure (Col. 5, lines 10 - Col. 6, line 67).

2. **Claims 2, 23, 25 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher and Matsuzaki, and further in view of Rapoza (PC Week v12, n19, p74(2)).

The teachings of Fargher and Matsuzaki are discussed above.

Re. Claims 2, 23 and 25, neither Fargher nor Matsuzaki explicitly disclose:

Re. Claim 2, a method wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups;

Re. Claim 23, a method wherein as the job object conditions, each job definition form identifies for each worker group, information indicating the rights to use the job objects, and at least one of a job period, worker group members, processes, the job objects allocated to the job carried out by the worker group, and permission information of the job objects.

Re. Claim 25, a computer readable medium, the program further comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, at least one of a job period, group members, the resources allocated to the job to be carried out by the group, and permission information of the resources.

However,

Re. Claim 2, Rapozo discloses a system wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (p. 1. TEXT: ll. 33-36; l. 24 – p. 2. l. 4; p. 2, ll. 35-40. Rapozo discloses and suggests extensive flexibility on ManagePro 3.0. "We initially created a network directory for shared databases and created a ManagePro database with one password, which gave full access rights to anyone who had access to the network drive. This set-up makes it easy for workgroup members to share information and updates the database in real time". This clearly suggests that resource managers, schedulers and monitors provide for the exchanging of rights to use job objects among worker groups and workers);

Re. Claims 23 & 26, Rapoza discloses a system and a method wherein as the job object conditions, a job definition form identifies for each worker group, information indicating the rights to use the job objects, and a job period, worker group members, and processes (TEXT: p. 1. ll. 8 – p. 2. l. 3); and

Re. Claim 25, Rapoza discloses a computer readable medium, the program comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, and a job period, worker group members, and processes (TEXT: p. 1. ll. 20-22).

Therefore, re. claims 2, 23 and 25, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with those of Rapozo to avoid conflict among the groups and also to maximize the organization's production, motivated by a desire to get things done on time (Rapoza, p. 1, Text, ll. 5-7).

Re. Claim 26, Fargher discloses a computer system performing real-time management of object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, said computer system comprising:

- a resource manager managing the job-object conditions, including rights to use resources, worker group by worker group in real-time based upon the worker groups and resources defined in the job definition form;
- a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure and the resources available to each worker group defined in the job definition form; and
- a job monitor performing real-time monitoring of job processing by the worker groups based on the procedure of each worker group in the job definition form and performing real-time controlling of sharing of the resources, including the

job-objects among the worker groups while maintaining security of the job objects according to the job-object conditions managed by the resource manager group by group and/or member by member thereof, thereby for a first worker group or a member thereof inhibiting access to the job objects thereof from another worker group or a member thereof to which permission to use the job objects of the first worker group or the member thereof is not allocated,

Fargher does not explicitly disclose:

- a form generator generating job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker group to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions, each job definition form representing a group of workers as a job;
- wherein as the job-object conditions, each job definition form identifies for each worker group, information indicating rights to use the job objects, and at least one of a job period, worker group members, the job objects allocated to the job to be carried out by the worker group, and the permission information of the job objects; and
- wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups, based upon the job-object conditions of each worker group defined in the job definition form.

However, the use of forms of all kinds, particularly those drawn up by hand, those preprinted and those programmed to be printed by computer printers are an ever present component of life in every facet of business activity, including in the management of projects, computer operations and manufacturing. As such, the use of job definition forms defining worker groups that process the job objects according to job-object conditions are implicit to the description of any system managing projects, jobs and/or groups of workers. The use of forms would therefore also have been obvious within the Fargher disclosure, as well to an ordinary practitioner of the art designing

applicant's system as a communications tool in order to efficiently administer applicant's system.

Also, Matsuzaki actually discloses a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; as well as a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor, and using forms in the management of projects. (Abstract; Col. 5, line 35 - Col. 7, line 65; Forms and Projects - Col. 19, line 67 – Col. 20, line 9).

Further, Rapoza discloses a system wherein as the job object conditions, a job definition form identifies for each worker group, information indicating the rights to use the job objects, and a job period, worker group members, and processes (TEXT: p. 1. ll. 8 – p. 2. l. 3). Rapozo also discloses a system wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (p. 1. TEXT: ll. 33-36; l. 24 – p. 2. l. 4; p. 2; ll. 35-40. Rapozo discloses and suggests extensive flexibility on ManagePro 3.0. "We initially created a network directory for shared databases and created a ManagePro database with one password, which gave full access rights to anyone who had access to the network drive. This set-up makes it easy for workgroup members to share information and updates the database in real time". This clearly suggests that resource managers, schedulers and monitors provide for the exchanging of rights to use job objects among worker groups and workers).

Therefore, it would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher with that of Matsuzaki and Rapoza for the purpose designing an efficient worker task

management system performing real-time management of object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, motivated by a desire to get things done on time (Rapoza, p. 1, Text, ll. 5-7).

3. **Claims 4, 6, 11-15 and 22 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040) in view of Matsuzaki (US Patent No. 5767848)and further in view of the IBM Disclosure Bulletin (December 1991, US, Vol. 34, Issue Number 7B, Pages 114-117, Extensible Access Control List Mechanism, heretofore IBM).

The teachings of Fargher and Matsuzaki are discussed above.

Re. Claim 4, neither Fargher or Matsuzaki explicitly disclose a system wherein an emergency group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency worker group for accessing a job object. However, IBM discloses a system wherein: an emergency group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency group for accessing a job object (IBM, Text, page 1, lines 1-9, page 2, lines 6-11, 11-49) because the IBM disclosure makes a provision for full access by any group such as group admin which is anticipated to require access. It would therefore have been obvious to an ordinary practitioner of the art at the time of the invention to include the IBM disclosure's access to all functions of all job objects to emergency workers and emergency groups, and any personnel who are anticipated to require emergency access to make sure that emergencies can be dealt with at any time whenever such is necessary in the combination of Fargher and Matsuzaki with IBM's disclosure for the advantage of the organization, motivated by the desire to provide full user compatibility with the existing Discretionary Access Control mechanism on a system (IBM, p. 1., ll. 3-5).

Re. Claim 6, neither Fargher or Matsuzaki explicitly disclose a system wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use

the job object. However, IBM discloses a system wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use the job object (IBM, Full document). It would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with that of the IBM Disclosure Bulletin for the purpose designing an efficient worker task management system involving applicant's invention, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project.

Re. Claims 11-15, Fargher does not explicitly disclose

- a system wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.
- a system wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.
- a system wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.
- a system wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name.

However, Matsuzaki discloses

- a system wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.

- a system wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.
- a system wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.

a system wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name (Col. 5, line 35 - Col. 7, line 65).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher with those of Matsuzaki and the IBM article in order to identify a member who assumes responsibility for the resources when all conditions are confirmed, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project (Matsuzaki, Col. 2, ll. 1-3).

Re. Claim 22, neither Fargher nor Matsuzaki disclose a method comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects. However, IBM discloses a method comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects (IBM Disclosure Document). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher with those of Matsuzaki in order to identify a member who assumes responsibility for the resources when all conditions are confirmed, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project.

4. **Claim 7 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of Persham (US Patent 5,260,986). The teachings of Fargher, Matsuzaki and IBM are discussed above.

Re. Claim 7, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object. However, Persham discloses a system wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of Persham to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to make available a reliable and flexible notification service (Persham, Abstract, ll. 3-6).

5. **Claim 8 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of Hwang (US Patent 5,530,892
The teachings of Fargher, Matsuzaki and IBM are discussed above.
Re. Claim 8, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein a request unit uses one of a telephone, a notebook computer, an electronic notepad, and a workstation through one of a wide-area network, a personal computer communication network and a wireless network to request the second worker group for permission to use the job object. However, Hwang discloses a system wherein a request unit uses a workstation through a personal computer communication network (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of Hwang to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to make available an efficient team/work group oriented multiple PC system usable enterprise wide which is well organized and easy to manage (Hwang, Col. 2, ll. 32-33, 38, 44-45).

6. **Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of D'Agosto (US Patent4,975,896).

The teachings of Fargher, Matsuzaki and IBM are discussed above.

Re. Claim 9, neither Fargher, Matsuzaki or IBM explicitly disclose a system further comprising a visual I/O unit and an audio I/O unit to request the second worker group for permission to use the job object. However, D'Agosto discloses a system further comprising a visual I/O unit and an audio unit to request the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of D'Agosto to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire for a relatively simple and low cost office communications network which results in more efficient and faster communications among work groups (D'Agosto, Col. 6, ll. 10-13).

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and D'Agosto, and further in view of Morishima, (US Patent 5,589,956).

The teachings of Fargher, Matsuzaki, IBM and D'Agosto are discussed above.

Re. Claim 19, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein:

- a visual I/O unit is a television camera; and
- an audio I/O unit is a microphone.

However, Morishima discloses a system wherein a visual I/O unit is a television camera (Col. 6, lines 44-45). Also, D'Agosto discloses a system wherein an audio I/O unit is a microphone (Col. 11, line 54).

It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of D'Agosto and Morishima to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to provide an image display element wit ha large field of view with high definition (Morishima, Col. 1, ll. 11-12).

8. Claims 10, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki and IBM, and further in view of Waldren (US Patent 4,884,219), Zinsmeyer (US Patent 3,927,800) and Morishima (US Patent 5,589,956).

The teachings of Fargher, Matsuzaki and IBM are discussed above.

Re. Claims 10 and 20, neither Fargher, Matsuzaki nor IBM explicitly disclose a system comprising:

- an input device, attached to a selected member of the second worker group, for identifying and locating the member; and
- a system according to claim 10, wherein
  - o an input unit is one of a sensor and a transmitter; and
  - o a positioning unit is a television camera.

However, Waldren discloses a system wherein said input device is a virtual-reality device attached to the selected member, to identify the location of the member (Abstract). Zinsmeyer discloses a system where said input unit is one of a sensor and a transmitter. Morishima discloses a positioning unit generating an image of the selected member, said input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object, and a system where a positioning unit is a television camera. It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Waldren, Zinsmeyer and Morishima for efficiency and security purposes, motivated by the desire to provide an image display element wit ha large field of view with high definition (Morishima, Col. 1, ll. 11-12).

Re. Claim 17, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object.

However, Morishima discloses a system wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object (Col. 16, line 64 - Col. 17, line 41).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher, Matsuzaki and IBM with that of Morishima in order to equip work group members with head-mount image display technology to provide an efficient communications response capability to work group members of the organization for the purposes of efficient communication and increased security, motivated by the desire to provide an image display element wit ha large field of view with high definition (Morishima, Col. 1, ll. 11-12).

Re. Claim 18, neither Fargher nor Matsuzaki nor Zinsmeyr nor Morishima explicitly disclose a system wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device.

However, IBM discloses a system wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device (Text, page 1, lines 1-21). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki, Zinsmeyer and Morishima with those of IBM for the simple reason of preventing illegal access to the device, motivated by the desire to make the communications secure.

9. **Claim 16 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki, IBM, Waldren, Zinsmeyer and Morishima, and further in view of Weber (US Patent 4,995,071).

The teachings of Fargher, Matsuzaki, IBM Zinsmeyer and Morishima are discussed above.

Re. Claim 16, neither Fargher, Matsuzaki, IBM, Waldren, Zinsmeyer or Morishima explicitly disclose a system wherein said input device is a virtual-reality device attached to the selected member, to identify the location of the member.

However, Weber discloses a system wherein an input device is a positioning unit generating an image of the selected member, the input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher,

Matsuzaki and IBM with those of Weber for efficiency and security purposes, motivated by a desire to have a simple audio and video communications system which requires no special additional equipment to operate (Weber, Col. 1, ll. 61-66).

Response to Arguments

10. Applicant's arguments filed January 25, 2007 have been fully considered but they are not persuasive.

ARGUMENT A:

Applicant argues that "The Office Action rejection fails to establish a prima facie case of obviousness by not discussing how the teaching, suggestion, or motivation is implicitly found in either Fargher or Matsuzaki, if both are silent on any techniques related to the claimed "job definition form defines worker groups and resources, said resources including job objects, available to the worker groups."" (p. 14, ll. 23-27). A subargument states that the use of forms is not implicitly taught by Fargher (p. 12, ll. 23-28).

RESPONSE:

(1) As stated in the above rejection, the use of forms in the management of worker groups is explicitly taught by Matsuzaki (see the above rejection of claims 1, 21, 24, 27 & 28, p. 3, l. 5). It would have been obvious to the ordinary practitioner to make use of forms for job definitions.

(2) The limitations which have patentable weight in method claim 21 are: real-time, group management or groupwise management, worker groups, and the acts of storing information, generation and use of forms, managing, scheduling, monitoring and controlling the sharing of resources. The remaining language of the independent method claim 21 does not have patentable weight because they are intended use statements which do not further limit the claim.

(3) Managing resources normally suggests managing all of the resources needed for performing the jobs. This includes the workers, hardware, and the job objects, which appear to be computer software programs according to the drawings (Fig's 6B and 7B), and the specification (page 15, lines 9-32). For example, the expression Human

Resources has been in use for many decades. Computer programs which are a resource are also known as application programs, whether off the shelf or of custom design.

(4) Controlling is generally defined as a sub component of the management process. Controlling the sharing of resources, for what the resource is being used, for how long it is being used, under what conditions it is to be used. It also normally implies securing resources and only permitting authorized users to use them, which in turn includes the rights to use resources. This implicitly includes exclusive and non-exclusive resources. As such, the teachings of Fargher used in the above rejections are valid, since the Fargher teaching is not being used as a whole, but merely the component teachings of Fargher which the ordinary practitioner of the art would have found useful in solving the problem he had in mind. Unlike various chemicals and other physical phenomena, management methods and related computer software systems can have component steps taken and combined from anywhere.

(5) Applicant has amended the independent claims by inserting the broader term "resources" and has stated in the arguments that the intention of the current amendments has been to "clarify the patentably distinguishing features recited by the language of the claims" (p. 11, ll. 14-15). This broadens the claimed limitations by embracing the broader concept of the resources needed to achieve completion of a job being done by a worker group.

ARGUMENT B:

Fargher's teaching involves potentially exclusive resources such as machines, "therefore Fargher fails to teach or suggest how to handle and maintain the security of a non-exclusive resource such as "job objects" which are inherently non-exclusive" (p. 15, ll. 6-30).

RESPONSE:

(1) Fargher teaches the management of groups of resources, including groups of machines.

(2) Using a machine is just like using any resource which is under strict control. If you have been assigned the exclusive use of any resource it matters not if the resource could be simultaneously used by another. It is as if this resource can only be used for one purpose at a time. Conversely, if another is not permitted to use a given resource it also matters not if it could be used by more than one worker or one worker group at a time. Therefore, Fargher's management teachings to the limited extent used as prior art in the above rejections is valid.

(3) Applicant has not claimed the use or securing of exclusive, single use resources, whether job objects (programs), machines or some other resource.

ARGUMENT C:

Matsuzaki fails to disclose or suggest the use of forms as a "job definition form" because of the specific circumstances in which forms are used in Matsuzaki's teaching (p. 16, l. 14 – p. 17, l. 10).

RESPONSE:

(1) As stated in the above rejection of claim 21, Matsuzaki's broad teaching of the use of forms would have suggested the use of a form for the defining of jobs. Further, the ordinary practitioner's own knowledge would have suggested the use of a form for this and other purpose in this management environment since the use of forms as a management and control tool is so ingrained into the economy and the management of tasks for virtually any purpose.

(2) Applicant has not demonstrated how the teachings and suggestions in Matsuzaki would somehow fail to be useful to the ordinary practitioner for this invention.

(2) By not disputing the examiner's references to the MPEP and to court opinions, Applicant accepts the applicability of the court opinions which have stated that a prima facie case of obviousness as defined by he excerpt cited by the examiner from In Re Kotzab (p. 11, l. 29 – p. 12, 18).

ARGUMENT D: "A *prima facie* case of obviousness cannot be established over Fargher and Matsuzaki" in the rejection of claims 1, 21, 24, 27 and 28 (pp. 11, l. 7).

RESPONSE: The examiner responded to this same basic argument in the last Office Action.

The examiner repeats the basic MPEP guidelines and relevant court opinions on this subject for Applicant's convenience:

(1) "[T]he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his [or her] claimed product. Whether the rejection is based on 'inherency' under **35 U.S.C. 102**, on '*prima facie* obviousness' under **35 U.S.C. 103**, jointly or alternatively, the burden of proof is the same...[footnote omitted]." The burden of proof is similar to that required with respect to product-by-process claims. *In re Fitzgerald,* 619 F.2d 67, 70, 205 USPQ 594, 596 (CCPA 1980) (quoting *In re Best,* 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977))". Applicant's arguments do not meet this standard against the obviousness rationale presented in the above rejections.

(2) The Federal Circuit recently has been distinguishing the rulings of *In re Lee* and *In re Dembiczak*, and the recent holding *in In re Johnston*. The recently ruling of In re Kahn supports this trend as well. Note the following: "A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. . . . The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. In re Kotzab, 217 F.3d 1365, 1370 (Fed. Cir. 2000). However, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See Lee, 277 F.3d at 1343-46; Rouffett, 149 F.3d at 1355-59. This requirement is as much rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decisionmaking, as it is in § 103. See id. at 1344-45." In re Kahn, Slip Op. 04-1616, page 9 (Fed. Cir. Mar. 22, 2006).

In this instance, as expanded upon above in the Response to Arguments section and presented in the above rejections of claims, the examiner has met the standards reconfirmed by *In re Kahn*. The examiner has pointed to a combination of explicit, implicit, suggested and obvious reasons, to the knowledge of the ordinary practitioner in consideration of the problems to be solved, all supported by articulated reasoning with some rational underpinning to support the legal conclusion of obviousness in making the rejections of independent claims 1, 21, 24, 27 and 28 under the 35 USC obviousness statute.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or (571)*273-8300* [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

March 20, 2007

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